

66/03/99



D. Johnson  
# 4 21708  
EXPRESS MAIL NO.: EL348126017US  
ATTORNEY DOCKET NO. 14028.0290  
PAGE 1 OF 3 (09/03/99)

CONTINUING APPLICATION TRANSMITTAL FORM  
(37 C.F.R. § 1.53(b))

FILED  
SEP 10 1999  
FBI

09/03/99

ANTICIPATED CLASSIFICATION OF THIS APPLICATION:

PRIOR APPLICATION:  
08/739,703

CLASS: 424

SUBCLASS:

EXAMINER: Lubet, M.

ART UNIT: 1644

To the Assistant Commissioner for Patents:

This is a request for filing a continuation application under 37 C.F.R. 1.53(b), of pending prior application serial No. 08/739,703 filed on October 29, 1996, of Neville et al. for "IMMUNOTOXIN WITH *IN VIVO* T CELL SUPPRESSANT ACTIVITY AND METHODS OF USE.

If any extension of time is necessary for the filing of this application, including any extension of time necessary in the prior application for maintaining copendency between the prior application and this application, and such extension has not otherwise been requested, Applicant hereby petitions for such an extension in the prior application.

1. Enclosed is a specification as prescribed by 35 U.S.C. § 112 containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75, and any drawing required by § 1.81(a).
2. The inventor(s) of the invention being claimed in this application is(are): David M. Neville, Joshua E. Scharff, Jerry Todd Thompson, Huaizhong Hu, and Shenglin Ma

3A. ☒ This application is a continuation or divisional application (not a continuation-in-part) that:

- (i) names as inventors the same or fewer than all of the inventors named in the prior application; and
- (ii) contains no matter that would have been new matter in the prior application; and
- (iii) a copy of the executed oath or declaration filed in the prior application, showing the signature or an indication thereon that it was signed:

☒ is enclosed.  
☐ will follow.

☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. § 1.53(d)(4), the Commissioner is requested to delete the name(s) of the following persons who are not inventors of the invention being claimed in this application:

--OR--

3B. ☐ This application is a continuation-in-part application, or a continuation or divisional application naming an inventor not named in the prior application. A newly executed oath or declaration:

☐ is enclosed.  
☐ will follow.

4. ☐ Amend the Title of the Invention as follows:

5. ☒ Amend the specification by inserting before the first line the sentence:

This application is a continuation of, and claims the benefit of, Serial No. 08/739,703, filed October 29, 1996, which status is pending, and which application is hereby incorporated herein by reference, and claims the benefit of priority of provisional application Serial No. 60/008,104, filed October 30, 1995.

6. ☐ Priority of foreign application number, filed on in is claimed under 35 U.S.C. 119.

☐ The certified copy has been filed in prior application Serial No., filed on.

7. ☐ Cancel in this application original claims of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

8. ☐ A preliminary amendment is enclosed.

9. ☐ New formal drawings are enclosed.

10. ☒ The paper copy of the Sequence Listing in this application is identical to the computer readable copy of the Sequence Listing filed in application Serial No. 08/739,703, filed October 29, 1996. In accordance with 37 CFR 1.821(e), please use the last-filed computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the instant application. A paper copy of the Sequence Listing is included in the originally-filed specification of the instant application.

11. ☐ The prior application is assigned of record to: The Government of the United States of America, as represented by the Secretary, Department of Health and Human Services, c/o National Institutes of Health, Office of Technology Transfer, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852

12. ☐ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27:

☐ is enclosed

☐ was filed in prior application Serial Number and such status is still proper and desired (37 C.F.R. 1.28(a)).

13. The filing fee is calculated as follows:

TOTAL CLAIMS	20 - 20 =	0	x \$18.00	-0-
INDEPENDENT CLAIMS	1 - 3 =	0	x \$78.00	-0-
MULTIPLE DEPENDENT CLAIM(S) (IF APPLICABLE) =			+ \$260.00	-0-
BASIC FEE =				\$760.00
TOTAL OF ABOVE CALCULATIONS =				\$760.00
REDUCTION BY 1/2 FOR FILING BY SMALL ENTITY (NOTE 37 C.F.R. 1.9, 1.27, 1.28) IF APPLICABLE, AFFIDAVIT MUST BE FILED ALSO.				-0-
TOTAL NATIONAL FEE =				\$760.00

5. ☒ Amend the specification by inserting before the first line the sentence:

This application is a continuation of, and claims the benefit of, Serial No. 08/739,703, filed October 29, 1996, and provisional application Serial No. 60/008,104, filed October 30, 1995, which status is pending, and which application is hereby incorporated herein by reference.

6. ☐ Priority of foreign application number , filed on in is claimed under 35 U.S.C. 119.

☐ The certified copy has been filed in prior application Serial No. , filed on .

7. ☐ Cancel in this application original claims of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

8. ☐ A preliminary amendment is enclosed.

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BASIC FEE =				\$760.00
TOTAL OF ABOVE CALCULATIONS =				\$760.00
REDUCTION BY ½ FOR FILING BY SMALL ENTITY (NOTE 37 C.F.R. 1.9, 1.27, 1.28) IF APPLICABLE, AFFIDAVIT MUST BE FILED ALSO.				-0-
TOTAL NATIONAL FEE =				\$760.00

14. ☐ A check in the amount of . is enclosed.
15. ☐ The Commissioner is hereby authorized to charge any fees which may be required under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account No. .

16. ☒ The Power of Attorney in the prior application is to:
- a. ☐ The Power of Attorney appears in the original papers in the prior application.
  - b. ☒ Since the Power does not appear in the original papers, a copy of the power in the prior application is enclosed.
  - c. ☒ Address all future correspondence to: (May only be completed by applicant, or attorney or agent of record.)

Gwendolyn D. Spratt, Esq.  
NEEDLE & ROSENBERG, P.C.  
Suite 1200, The Candler Building  
127 Peachtree Street, N.E.  
Atlanta, GA 30303-1811

17. I hereby verify that all statements made herein of my own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like are made punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Gwendolyn D. Spratt  
REG. NO. 36,016



SIGNATURE

9-3-99

DATE

- ☐ Inventor(s)
- ☐ Assignee of complete interest
- ☒ Attorney or agent of record
- ☐ Filed under 37 C.F.R. 1.34(a)  
(Registration No. is acting under 37 C.F.R. 1.34(a):

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)	
	)	
Neville et al.	)	
	)	
Serial No. Unassigned	)	Group Art Unit: Unassigned
	)	
Filed: Concurrently	)	Examiner: Unassigned
	)	
For: AN IMMUNOTOXIN WITH <i>IN VIVO</i>	)	
T CELL SUPPRESSANT ACTIVITY	)	
AND METHODS OF USE	)	



**AUTHORIZATION TO TREAT REPLY REQUIRING EXTENSION OF TIME**  
**AS INCORPORATING PETITION FOR EXTENSION OF TIME**  
**AND PAYMENT OF EXTENSION OF TIME FEE**

BOX PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

NEEDLE & ROSENBERG, P.C.  
Suite 1200, The Candler Building  
127 Peachtree Street, N.E.  
Atlanta, Georgia 30303-1811

September 3, 1999

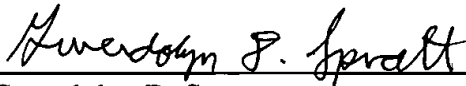
Sir:

Pursuant to 37 C.F.R. §1.136(a)(3), the Commissioner is hereby requested and authorized to treat any concurrent or future reply in the above-identified application, requiring a petition for an extension of time for its timely submission, as incorporating a petition for extension of time for the appropriate length of time.

The Commissioner is also authorized to charge all required extension of time fees under 37 C.F.R. § 1.17 to Deposit Account No. 14-0629.

Respectfully submitted,

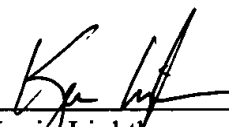
NEEDLE & ROSENBERG, P.C.

  
Gwendolyn D. Spratt  
Registration No. 36,016

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(404) 688-0770

CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, No. EL348126017US in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date indicated below.

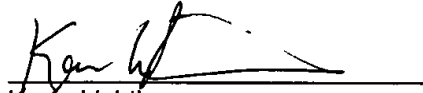
  
Kevin Lightbourn

3 Sept '99  
Date

EXPRESS MAIL NO. EL348126017US

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Invoice No. EL348126017US in an envelope addressed to: BOX PATENT APPLICATION, Assistant Commissioner for Patents, Washington, D.C. 20231, on the date indicated below.

  
Kevin Lightburn

3 Sept '99  
DATE

1525 U.S. PTO

09/03/99

